

REMARKS

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the following remarks.

B. Claims Status

Claims 1-2, 4-21 are pending in this Application.

New claims 22-27 have been added by this response.

Claims 1-2, 4-21 have been amended to place them in more conventional U.S. format and to address the Examiner's objections to the claims.

Claim 2 has been amended to add the limitations of claims 5 and 7 for the sealing cap.

Claim 3 has been canceled.

Claims 5, 7-10, 12, 16, 17, 18 and 21 have been amended and new claims 22-27 have been added to address the claim rejections under 35 U.S.C. 112, second paragraph.

No new matter has been added by way of these amendments.

The government fee for six extra dependent claims over twenty is being paid concurrently herewith. Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Abstract Objection

Examiner objected to the abstract of the disclosure for using the phrase "The invention relates to". The Abstract has been amended herein to delete this phrase.

D. Specification Objection

Examiner objected to the Summary of the invention disclosure for referring to claim numbers in the Specification, specifically, on pages 2-4. The Summary of the invention has been amended herein to delete reference to the claim numbers. An additional claim number reference informality on page 6, paragraph 3, was also amended herein.

Examiner objected to page 9, lines 12-13, noting that it was unclear what SF 507, KE 2/3K-10 and DIN 51 502 mean. Paragraph 2 has been amended to clarify that SF 507 is an American Petroleum Institute Service Symbol and DIN 51502 KE 2 K-10 or DIN 51501 KE 3 K-10 is a Designation of Lubricants Standard as are commonly known in the oil and grease lubrication art. The code designation in accordance with DIN 51502 provides information about the type of lubricating grease and is the generic terminology. Commercial grease products conforming to these trade standards are available under various trademarks.

E. Claim Objections

Examiner objected to claim 3 as being of improper dependent form. Claim 3 has been canceled herein.

Examiner objected to claim 5, line 7, stating "the hub (20)" should be -- the hub (9)--. Claim 5 has been amended herein to address Examiner's objection. All claims, including 5, have been amended to delete reference numbers and to place them in more conventional U.S. format as noted above.

F. 112 Rejection

Claims 2-3, 11, and 21 had been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for using the term "preferably". Original and amended claim 2 does not recite this term. Claim 3 has been canceled. Claims 11 and 21 have been amended herein to delete the term "preferably".

Claim 3 had been rejected for failing to limit the independent claim from which it depends. Claim 3 has been canceled.

Claim 5 had been rejected because the term "the sealing cap" lacks antecedent basis. Claim 5 has been amended herein to delete the term "the sealing cap". Subject matter with respect to the sealing cap has been added to amended claim 2.

Claim 5 had been rejected for using the term "force-10 locking". Claim 5 has been amended herein to recite the term "force-locking".

Claims 7-10 had been rejected for using the phrases "on the one hand" and "on the other hand". Claim 7 has been amended herein to delete both terms. Subject matter with respect to the sealing cap in original claim 7 has been added to amended claim 2. Claim 8 has been amended herein to delete both terms. New claim 24 has been added to claim the subject matter with respect to the sealing cap in original claim 8. Respectfully, amended claims 7-10 are now in condition for allowance.

Claim 8 had been rejected for using the phrase "as seal (23, 23b)". Claim 8 has been amended herein to recite "wherein the elastic seal is an O-ring or a circular rubber ring."

Claim 9 had been rejected as unclear and confusing. Claim 9 has been amended herein to recite only the sealing plate and to delete reference to the sealing cap. New claim 25 has been added to claim the subject matter with respect to the sealing cap in original claim 9.

Claim 12 had been rejected as unclear and confusing for using the phrase "the sealing plate (24a) fitted the seal (29)". Claim 12 has been amended herein to recite "with the sealing plate fitted to the hub, the elastic seal".

Claim 16 had been rejected because the phrases "the radially inward facing flank (30)" and "the end bent" lacked antecedent basis. Claim 16 has been amended to recite "a radially inward facing flank". Original and amended claim 16 does not recite the term "the end bent".

Claim 17 had been rejected because the phrases "the radially inward facing flank (30)" and "the end bent" lacked antecedent basis. Claim 17 has been amended to recite "the sealing plate comprises a radially inward facing flank having an outward end and an inward end, the inward end being bent at a right-angle".

Claim 18 had been rejected as unclear because the term "an elastic medium" is the same as claim 1. Claim 18 has been amended herein to delete this term.

Claim 21 had been rejected as unclear for using the phrases "KE2/3K" and "DIN 51 502". Claim 21 has been amended to delete these terms.

G. Prior Art Rejection

Claims 2 and 3 had been rejected as being unpatentable over Schmidt in view of DE 3514203.

As note above, the limitations of original claim 5, wherein the sealing cap, at least in parts, has an externally axially projecting rim, the rim serving to fix the sealing cap both by positive interlock and by force-locking to the hub, and the limitations of original claim 7, wherein a separate elastic sealing medium is used in a fitting space between the hub and the rim of the sealing cap on the front face of the roller bearing, have been added to amended claim 2. Claim 3 has been canceled. It is respectfully submitted that amended claim 2 presented herein is patentable over the

teachings of Schmidt and DE 351420 taken alone or in combination and this rejection is now moot.

H. Allowable Subject Matter


The Examiner is thanked for indicating that claims 1 and 4-21 were allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph. Claims 1 and 4-21 have been amended and new claims 22-27 have been added to address the claim rejections under 35 U.S.C. 112, 2nd paragraph. No new matter has been added by way of these amendments. Respectfully, amended claims 1 and 4-21 and new claims 22-27 are now in condition for allowance.

I. Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: 
Donald C. Lucas, Reg. # 31,275
(Attorney for Applicant)
475 Park Avenue South
New York, New York 10016
Tel. # (212) 661-8000

DMcK/ns/mr